

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEE KNOWLIN,

Plaintiff,

v.

JULIANNE WURL-KOTH, MARK HEISE
and GERALD KONITZER,

Defendants.

ORDER

09-cv-531-bbc

Plaintiff Lee Knowlin was allowed to proceed on his claim that defendants Julianne Wurlkoth, Mark Heise and Gerald Konitzer violated his right to due process by requiring him to participate in drug and alcohol treatment. Now before the Court is plaintiff's motion to compel discovery.

In his motion, plaintiff states that defendants objected to interrogatories 6 through 19 and 22 and did not produce the documents requested by interrogatories 20 and 21. The interrogatories to which defendant objects request the names of all institutions, facilities and centers that have Alcohol and Drug Abuse Treatment programs and information concerning the programs. Plaintiff has not demonstrated that any of this information is reasonably calculated to lead to the discovery of admissible evidence. Therefore, plaintiff's motion to compel answers to these interrogatories will be denied.

Plaintiff moves to compel production of the UNCOPE Manual and the Risk Rating Guidelines. Defendants respond that the UNCOPE manual cannot be located. Absent some reason to doubt the veracity of this response, the court cannot order a party to disclose documents that they no longer possess. Defendants state that they have provided an updated

copy of the Risk Rating Guidelines in the institution library for plaintiff's review. Because defendants have adequately responded to plaintiff's discovery requests, his motion to compel discovery will be denied.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery, dkt. #13, is DENIED.

Entered this 12th day of February, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge